

**UNITED STATES DISTRICT COURT**  
**for**  
**EASTERN DISTRICT OF NORTH CAROLINA**  
**WESTERN DIVISION**

**U.S.A. vs. Dana Batten**

**Docket No. 5:11-CR-213-2F**

**Petition for Action on Supervised Release**

COMES NOW Dewayne L. Smith, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Dana Batten, who, upon an earlier plea of guilty to Theft of Firearms Having Moved in Interstate and Foreign Commerce and Aiding and Abetting, in violation of 18 U.S.C. §§ 924(1) and 2, was sentenced by the Honorable James C. Fox, Senior U.S. District Judge, on February 29, 2012, to the custody of the Bureau of Prisons for a term of 27 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 3 years under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall participate in a program of mental health treatment, as directed by the probation office.
3. The defendant shall participate in such vocational training program as may be directed by the probation office.
4. The defendant shall consent to a warrantless search by a United States Probation Officer or, at the request of the probation officer, any other law enforcement officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.

Dana Batten was released from custody on April 14, 2014, at which time the term of supervised release commenced. On May 9, 2014, a Violation Report was submitted advising that the defendant tested positive for cocaine on April 23, May 1, and May 6, 2014. Batten admitted her drug use to her assigned officer, U.S. Probation Officer Linwood King. She was referred to substance abuse treatment, required to participate in our Surprise Urinalysis Program, and referred to our district's HOPE program for defendants with extensive drug addiction issues. The court agreed to continue supervision.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:**

On October 2, 2014, the undersigned probation officer assumed supervision of this case as she moved to Wilson County, North Carolina. On November 3, 2014, the defendant tested positive for hydrocodone, hydromorphone, and oxycodone. Although the defendant takes numerous

prescription drugs for back pain, she did not have a prescription for oxycodone. On November 12, 2014, the defendant admitted that she took medication (oxycodone), which belonged to her mother. Batten acknowledged her misconduct, and she signed an admission of drug use form. As a sanction for this violation, we are requesting that Batten be required to participate in the location monitoring program. Additionally, she has been instructed to continue attending substance abuse treatment, and she is required to attend weekly sessions. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

**PRAYING THAT THE COURT WILL ORDER** that supervised release be modified as follows:

1. The defendant shall abide by all conditions and terms of the home detention program for a period not to exceed 30 consecutive days. The defendant shall be restricted to residence at all times except for pre-approved and scheduled absences for employment, education, religious activities, treatment, attorney visits, court appearances, court obligations or other activities as approved by the probation officer. The defendant shall wear an electronic monitoring device and follow electronic monitoring procedures specified by the probation officer.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Dwayne K. Benfield  
Dwayne K. Benfield  
Supervising U.S. Probation Officer

/s/ Dewayne L. Smith  
Dewayne L. Smith  
U.S. Probation Officer  
201 South Evans Street, Room 214  
Greenville, NC 27858-1137  
Phone: 252-758-7200  
Executed On: November 20, 2014

**ORDER OF COURT**

Considered and ordered this 24<sup>th</sup> day of November, 2014, and ordered filed and made a part of the records in the above case.

James C. Fox  
James C. Fox  
Senior U.S. District Judge